



## **Town of Moultonborough Zoning Board of Adjustment**

### **Notice of Decision**

### **Request for Variance**

**M. Christine Jacobs /Map 243, Lot 32**

**July 20, 2011**

**Applicant: M. Christine Jacobs  
2660 Peach Tree Road  
Atlanta, GA 03005**

**Location: 50 Rupert Road, Moultonborough, NH (Tax Map 243, Lot 32)**

On July 6, 2011 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of M. Christine Jacobs (hereinafter referred to as the “Applicant” and/or “Owner”) for a variance from Article III (B)(3) to allow for removal of the existing garage and foundation and new construction of a garage on footers and frost walls on the parcel located in the Residential Agricultural (RA) Zoning District to be located with the required side setback.

Based on the application, testimony given at the hearings, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 50 Rupert Road (Tax Map 243, Lot 32).
- 2) The applicant is the owners of record for the lot.
- 3) The applicant was represented at the Public Hearing by Dan Ellis of Ames and Associates.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District.
- 5) The existing garage is a twenty-six (26) foot by thirty-six (36) foot garage and is located within the twenty (20) foot side setback.
- 6) The roof pitch of the garage will be increased to allow for second story occupancy.
- 7) There will be space for one (1) bedroom above the garage.

- 8) There is an existing septic approval for five (5) bedrooms. One of the bedrooms in the house will be changed to an office and there will be no net increase in the number of bedrooms.
- 9) The existing home is a year round residence.
- 10) No members of the public wished to speak on the application.
- 11) Granting the Variance will not be contrary to the public interest as the replacement garage will be within the same location as the existing garage, and the footprint dimensions will remain the same.
- 12) Granting the Variance is consistent with the spirit of the Ordinance as the proposal is not making the structure more non-conforming than what currently exists.
- 13) By granting the Variance, substantial justice is done.
- 14) Granting the Variance does not diminish the value of surrounding properties as the rebuilt garage will remain within the location of the existing garage, and will be aesthetically appealing.
- 15) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the relocation of the garage would require additional modifications of the site through changes in the driveway, gas tank location, and utilities, which represents significant financial hardship and unnecessary disturbance.
- 16) The Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Hopkins, Heal, Nolin, Crowe ), and none (0) opposed to continue the Public Hearing to July 20, 2011, and to direct Staff to draft a Notice of Decision to Grant the Variance, to be reviewed by the Board at the July 20, 2011 Regular Meeting.

The Board of Adjustment continued the Public Hearing to July 20, 2011. The Board of Adjustment closed the public portion of the hearing on July 20, 2011. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of five (5) in favor (Stephens, Zewski, Heal, Nolin, Crowe), none (0) opposed, to **GRANT** the request for a Variance.

- 1.) The applicant must submit an approval from the NHDES for the *replacement* of the foundation prior to issuance of a Building Permit for the site.

This decision shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

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Robert H. Stephens  
Chairman, Zoning Board of Adjustment

Date \_\_\_\_\_